

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

Ricky **MILLER**,

Plaintiff,

v.

Andrew **SAUL**,
Acting Commissioner of Social Security,

Defendant.

ORDER FOR ATTORNEY'S FEES
under
THE EQUAL ACCESS TO JUSTICE ACT

No: 1:18-cv-00350-RJC-DSC

ORDER

Pursuant to the power of this Court to award fees to a prevailing party other than the United States incurred by that party in a civil action against the United States, including proceedings for judicial review of agency action, under the Equal Access to Justice Act, 28 U.S.C. § 2412(d), and in light of this Court's December 30, 2019 judgment remanding this case to Defendant Acting Commissioner for further administrative proceedings and the parties Consent Motion,

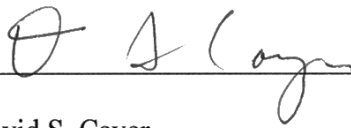
IT IS HEREBY ORDERED that the Defendant pay \$3,450.00 in attorney fees in full satisfaction of any and all claims Plaintiff may have in this case under the Equal Access to Justice Act.

Pursuant to the United States Supreme Court's ruling in *Astrue v. Ratliff*, 560 U.S. 586, 130 S. Ct. 1251 (2010), these attorney fees are payable to Plaintiff as the prevailing party and are subject to offset through the Treasury Department's Offset Program to satisfy any

preexisting debt Plaintiff may owe to the United States Government. If, subsequent to the entry of this Order, the Commissioner determines that Plaintiff owes no debt to the United States that would subject this award of attorney fees to offset, the Commissioner may honor Plaintiff's assignment of fees providing for payment of the subject fees to Plaintiff's counsel rather than to Plaintiff. If, however, Plaintiff is discovered to owe the Government any debt subject to offset, the Commissioner shall pay any attorney fees remaining after such offset to Plaintiff rather than to counsel. Should this occur, any remaining fees made payable to Plaintiff shall be sent to his counsel.

SO ORDERED.

Signed: March 24, 2020



David S. Cayer
United States Magistrate Judge

